

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

In re ENRON CORPORATION SECURITIES  
LITIGATION

Civil Action No. H-01-3624  
(Consolidated)

JUL 31 2003

Michael N. Milby, Clerk

This Document Relates To:

CLASS ACTION

MARK NEWBY, et al.,

Plaintiffs,

STIPULATION AND [PROPOSED]  
ORDER APPROVING ADDENDUM NO. 2  
TO STIPULATION OF PARTIAL  
SETTLEMENT

vs.

ENRON CORP., et al.,

Defendants.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, et al.,

Plaintiffs,

vs.

KENNETH L. LAY, et al.,

Defendants.

WASHINGTON STATE INVESTMENT  
BOARD and EMPLOYER-TEAMSTERS  
LOCAL NOS. 175 and 505 PENSION TRUST  
FUND, et al.,

Plaintiffs,

vs.

KENNETH L. LAY, et al.,

Defendants.

PAMELA M. TITTLE, et al.,

Plaintiffs,

vs.

ENRON CORP., an Oregon corporation, et al.,

Defendants.

1590

WHEREAS, consolidated class actions are pending before this Court, including (i) *In re Enron Corporation Securities Litigation*, Civil Action No. H-01-3624, which includes, among others, cases entitled *Newby, et al., v. Enron Corp., et al.*; *The Regents of the University of California, et al., v. Kenneth L. Lay, et al.*; and *Washington State Investment Board and Employer-Teamsters Local Nos. 175 and 505 Pension Trust Fund, et al., v. Kenneth L. Lay, et al.*; and (ii) *Pamela M. Tittle, et al., v. Enron Corp., et al.*, Civil Action No. H-01-3913; and

WHEREAS, a Stipulation of Partial Settlement (the “Stipulation”) was entered as of August 29, 2002 by and among (i) the Representative Plaintiffs (on behalf of themselves and each of their respective Settlement Class Members), and (ii) AWSC; and

WHEREAS, on July 24, 2003 the Court entered an order (the “Preliminary Approval Order”) that, among other things, (i) preliminarily approved the settlement of the Actions as to the Released Entities in accordance with the Stipulation of Settlement among the Settling Parties dated as of August 29, 2002, the Exhibits thereto, and Addendum No. 1, (ii) conditionally certified the Settlement Class solely for purposes of the settlement set forth in the Stipulation, and (iii) approved the form and manner of notice to be provided to the Settlement Class in accordance with the Stipulation;

WHEREAS, the Settling Parties have agreed that the Stipulation shall be amended as set forth in Addendum No. 2 to Stipulation of Partial Settlement (“Addendum No. 2”), a copy of which is attached hereto as Exhibit A, in order to encompass fully the class definition alleged in the First Amended Consolidated Complaint for Violation of the Securities Laws that was recently filed in the action entitled *Newby, et al. v. Enron Corp., et al.*, Case No. H-01-3624 (S.D. Tex.), and have requested that such amendment be approved by the Court forthwith so that such amendment may be reflected in the Mailed Notice and the Summary Notice prior to the

time that such Notices are to be mailed and published, respectively, in accordance with the terms of the Preliminary Approval Order;

WHEREAS, all Settling Parties have stipulated to the entry of this [Proposed] Order;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. This Order incorporates by reference and in their entireties the Stipulation (including the Exhibits thereto) and the Preliminary Approval Order, and all capitalized terms used herein shall have the same meanings set forth in the Stipulation and the Preliminary Approval Order.
2. The Court preliminarily approves Addendum No. 2 as being fair, reasonable, and adequate to the Settlement Class.
3. This Order is made part of, nunc pro tunc, the Preliminary Approval Order. All provisions of the Preliminary Approval Order (including without limitation all provisions, including all findings and conclusions, related to conditional certification of the Settlement Class and all provisions enjoining Settlement Class Members from commencing, prosecuting, pursuing, or litigating any Released Claim against any Released Entity, pending final determination as to whether the Settlement should be approved) are hereby affirmed and adopted and shall apply fully as if Addendum No. 2 existed and was part of the Stipulation at the time that the Preliminary Approval Order was entered.
4. For the avoidance of doubt, the amendment made by Addendum No. 2 modifies the definition of the term “Newby Settlement Class” for purposes of the Stipulation and all other documents executed or prepared pursuant to, or in furtherance of, the Stipulation and the settlement set forth therein.

5. The forms of Mailed Notice and Summary Notice attached to the Preliminary Approval Order as Exhibits A-1 and A-2, respectively, shall be conformed to Addendum No. 2 before they are mailed and published, respectively, in accordance with paragraph 11 of the Preliminary Approval Order.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation and [Proposed] Order to be executed, by their duly authorized attorneys, dated as of August 29, 2002.

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♦ ♦ ♦ ♦ ♦  
IT IS SO ORDERED.

*Melinda Ham*  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Date Signed: July 31, 2003



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re ENRON CORPORATION SECURITIES  
LITIGATION

§ Civil Action No. H-01-3624  
§ **(Consolidated)**  
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MARK NEWBY, et al.,

§ ADDENDUM NO. 2 TO STIPULATION  
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PAMELA M. TITTLE, et al.,

Plaintiffs,

vs.

ENRON CORP., an Oregon corporation, et al.,

Defendants.

**EXHIBIT A**

This Addendum No. 2 to Stipulation of Partial Settlement ("Addendum No. 2") is intended to be incorporated into the Stipulation of Partial Settlement dated as of August 29, 2002 (the "Stipulation") among AWSC and the Representative Plaintiffs (on behalf of themselves and each of their respective Settlement Class Members).

IT IS HEREBY AGREED AS FOLLOWS:

1. Paragraph 1.20 of the Stipulation is hereby amended to read as follows (underlined text added pursuant to this Addendum No. 2):

1.20 "Newby Settlement Class" means all purchasers (and their beneficiaries) of any publicly traded securities of Enron Corporation from September 9, 1997 through November 27, 2001, inclusive. Included in the Newby Settlement Class are purchasers of all securities issued by Enron-related entities during the Settlement Class Period, the value or repayment of which was dependent on the credit, financial condition, or ability to pay of Enron. Excluded from the Newby Settlement Class are Defendants, the officers and directors of Enron, and members of their immediate families or their successors, heirs, and legal representatives. Also excluded from the Newby Settlement Class are those Persons who timely and validly request exclusion from the Settlement Class, to the extent that they are able to do so under Rule 23 of the Federal Rules of Civil Procedure, pursuant to the Mailed Notice (as defined in paragraph 3.1, below).

2. The amendment made by this Addendum No. 2 is intended to, and hereby does, modify the definition of the term "Newby Settlement Class" for purposes of the Stipulation and all other documents executed or prepared pursuant to, or in furtherance of, the Stipulation and the settlement set forth therein.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum No. 2 to be executed, by their duly authorized attorneys, dated as of August 29, 2002.

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been served by sending a copy via electronic mail to serve@ESL3624.com on this 31st day of July, 2003.

I further certify that a copy of the foregoing document has been served via overnight mail on the following parties, who do not accept service by electronic mail on this 31st day of July, 2003.

Carolyn S. Schwartz  
United States Trustee, Region 2  
33 Whitehall Street, 21st Floor  
New York, NY 10004

*Deborah S. Granger*

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Deborah S. Granger